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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,441	06/21/2001	Jesus Matey	01471	5761

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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/886,441		MATEY, JESUS	
	<b>Examiner</b>		<b>Art Unit</b>	
	Farzana E. Hossain		2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to communications filed on 11/15/05. Claims 1, and 14 are amended. Claim 9 has been amended for a minor objection. Claims 2-8, 11-13 have been previously presented. Claim 10 is cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9, 11-12 have been considered but are moot in view of the new ground(s) of rejection.

3. Referring to Claim 14, Applicant's arguments filed 11/30/05 have been fully considered but they are not persuasive. In response to the arguments on page 9, Applicant argues that the electronic program guide in Hendricks does not allow the merging of two data transmissions to provide a customized output. The amended claim is still broad as a customized output is an output in which the user selects the two data transmissions to view on the screen versus only one program shown on the television. The applicant is arguing that the merged output of the specification does not read on the Hendricks patent, however these details are not disclosed in the claim. Hendricks discloses that there are two tuners, which allows the user to choose two signals or two programs to output on the screen or to combine two signals to output on the screen at the same time in order to provide a customized output (Column 32, lines 7-17). See rejection of the claim below.

4. Claim 13 appears to not be argued.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al (US 5,585,858 and hereafter referred as "Harper").

Regarding Claim 13, Harper discloses an interactive program box or broadcast data receiver (Figure 1, 600, Figure 8, 600 and Column 6, lines 40-45). Harper discloses an embodiment of the interactive program box has two tuners (Figure 7, 8, 600, 615, 616 and Column 14, lines 39-44) in order to allow the user to select to data from separate channels that are independent of the other to create an interactive program or to combine the two different transmissions (Column 4, lines 16-20). The user can select to combine video of the first channel from the first tuner with audio of the second channel as described in the example of a sporting event (Column 7, lines 58-67). Harper discloses that during a live sports event broadcasting video and audio (network announcer) and

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can have the audio replaced with a different announcer or audio output so that the viewer can watch the video output of the first channel with the audio output of the second channel as indicated to the viewer as an option during trigger points (Column 7, lines 58-67).

6. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al (US 5,990,927 and hereafter referred to as "Hendricks").

Regarding Claim 14, Hendricks discloses a menu or electronic program guide (EPG), which is generated from received program signals (Column 10, lines 48-64), the program signals are transmitted to the set top terminal (STT) or broadcast data receiver (Column 5, lines 60-67 and Column 6, lines 1-10). Hendricks discloses that the menu contains text and display material (Figures 15, 16a, 22) and the text shows information for programs (Figure 15) or interactive services (Figure 18). Hendricks discloses that the subscriber or user can select programming via the remote control device (Column 11, lines 64-67 and Column 12, lines 1-12). Hendricks discloses a STT that has two tuners which allow the merging of two television programs or merging of data transmission relating to different channels or user selections to provide a customized output (Column 32, lines 7-17).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Matthews, III et al (US 2004/0139465 and hereafter referred as "Matthews").

Regarding Claim 1, Harper discloses an interactive program box or broadcast data receiver (Figure 1, 600, Figure 8, 600 and Column 6, lines 40-45). Harper discloses that an embodiment of the interactive program box has two tuners (Figure 7, 600 and Figure 8, 600, Column 14, lines 39-44) in order to provide alternative data segments to the user (Column 14, lines 39-40) or two data transmissions, which are independent of each other. Harper discloses that the user can select data transmitted from the first channel with video and audio signal can be combined with data transmitted from the second tuner to provide a program to suit viewer selections (Column 5, lines 61-67, Column 6, lines 1-4, Column 14, lines 39-67). Harper is silent on an electronic program guide (EPG). Matthews discloses an interactive entertainment system (Figure 1 and Figure 3), which has supplemental content that is related to the program (Figure 2). Matthews discloses an EPG including text and other display material which is generated on a display screen and which can act both as information for programs and services available to the user and selection means for those programs and services, the EPG indicating to the user selectable options available for the particular program and/or particular channel such that the user

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can select a data transmission using the electronic program guide (Figure 2, Page 3, paragraph 0047, Page 4, paragraph 0054) to provide a customized merged data output or complementary content can be displayed in addition to the program itself (Page 4, paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper to include an EPG including text and other display material which is generated on a display screen and which can act both as information for programs and services available to the user and selection means for those programs and services, the EPG indicating to the user selectable options available for the particular program and/or particular channel such that the user can select a data transmission using the electronic program guide (Figure 2, Page 3, paragraph 0047, Page 4, paragraph 0054) to provide a customized merged data output (Page 4, paragraph 0055) as taught by Matthews in order to allow viewers to control what programs are shown (Page 1, paragraph 0007) and at their convenience by integrating supplemental related content of a program to the conventional TV (Page 2, paragraphs 0030-0031) as disclosed by Matthews.

Regarding Claim 2, Harper and Matthews disclose all the limitations of Claim 1. Harper discloses that the data transmissions selected are from a variety of providers including cable distribution system or TV broadcast (Figure 1, 166, 162) or from at least two different data providers.

Regarding Claim 3, Harper and Matthews disclose all the limitations of Claim 2. Harper discloses that selected data transmissions such as transmissions for a sporting event from the first channel having a network

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announcer announcing the game and a related data transmission for the same sporting event from the second channel having a local announcer announcing the game (Column 7, lines 58-67 and lines 11-32).

Regarding Claim 4, Harper and Matthews disclose all the limitations of Claim 1. Harper discloses that one of the tuners has data for an audio signal or data transmission with data relating to an audio channel (Column 14, lines 44-45) and the RF demodulator (tuner) has data that tunes to a video signal or data transmission with data relating to video channel (Column 14, lines 41-44)

Regarding Claim 5, Harper and Matthews disclose all the limitations of Claim 4. Harper discloses that RF demodulator (first tuner) which tunes to a channel with a video and audio signal (Column 14, lines 41-44) and the data (second) tuner tunes to a channel with audio signal (Column 14, lines 44-45). Harper discloses a viewer can select as an option or during trigger points for the interactive program box to have different audio segments (Column 7, lines 52-53, Figure 2). Harper discloses as an example a live sports event broadcasting video output and audio output (network announcer) and can have the audio output replaced with a different announcer or audio output so that the viewer can watch the video output of the first channel with the audio output of the second channel as indicated to the viewer as an option during trigger points (Column 7, lines 58-67).

Regarding Claim 6, Harper and Matthews disclose all the limitations of Claim 1. Harper discloses that the viewer can select the two data transmissions to be merged immediately (Column 7, lines 58-67, Column 14, lines 39-60).



Regarding Claim 9, Harper and Matthews disclose the limitations of Claim

1. Harper discloses that there are two tuners (Figure 7, 600, Figure 8, 600, Column 6, lines 40-45). Harper discloses that the tuners can receive two data transmissions; that the first data transmission can be combined with the second data transmission from the other tuner (Column 5, lines 61-67, Column 6, lines 1-4, Column 14, lines 39-67). Harper is silent on the Internet signal. Matthews discloses that the tuner of the receiver can be selected to receive a data transmission in the form of an Internet signal (Figure 2, 58, Page 4, paragraph 0054). The combination of Harper and Matthews provides the combined signal of Internet signal and the other data transmission since Harper teaches the merger of the output from two tuners.

Regarding Claim 11, Harper and Matthews disclose the limitations of

Claim 1. Harper discloses that there are two tuners (Figure 7, 600, Figure 8, 600, Column 6, lines 40-45). Harper discloses that the tuners can receive two data transmissions; that the first data transmission can be combined with the second data transmission from the other tuner (Column 5, lines 61-67, Column 6, lines 1-4, Column 14, lines 39-67, Figure 7, 8). Harper does not disclose that one of these transmissions is a default teletext service relating to particular channel and the other is a different channel, such that the default teletext service can be merged with a different channel regardless of an existing teletext service. Matthews discloses that the EPG includes other descriptive information including closed captioning (Page 3, paragraph 0047) or supplemental content can be interactive games or trivia on the programs, advertisements or Web pages (Page

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4, paragraph 0054), that has a teletext service, and that the complementary content be displayed in addition to the currently viewed program or that the teletext service has merged with the different channel regardless of the teletext service from the channel of the currently viewed program (Page 4, paragraph 0055). The combination of Harper and Matthews provides the combined signal of teletext service and the other data transmission since Harper teaches the merger of the output from two tuners.

Regarding Claim 12, Harper and Matthews disclose all the limitations of Claim 1. Harper discloses a FEC decoder where all data streams are shared by both tuners (Figure 5, note Column 15, lines 18-21 – which indicate Figure 8- two tuner assembly operates the same as previous embodiments) and that the user can selectively chose data transmission of audio (Column 5, lines 65-67, Column 6, lines 1-4). Matthews discloses the data transmission can be teletext or closed captioning (Page 3, paragraph 0047) or interactive games or trivia on the programs, advertisements or Web pages (Page 4, paragraph 0054

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Matthews as applied to claim 1 above, and further in view of over Norsworthy et al (US 6,784,945 and hereafter referred to as “Norsworthy”).

Regarding Claim 7, Harper and Matthews disclose all the limitations of Claim 1. Harper and Matthews are silent on the interactive program, the merged output of two data transmissions, is transmitted to a storage medium.

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Norsworthy discloses that the two transmissions (Figure 3, 11, 31) are merged and transmitted to a memory (Figure 3, 14), which is in the receiver (Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harper in view of Matthews to store the merged output of two data transmissions to the memory of the receiver (Figure 3, 11, 31, 14) as taught by Norsworthy in order to store images as desired (Column 3, lines 37-38) as disclosed by Norsworthy and to provide faster presentation of the picture in picture (PIP) images (Column 1, lines 42-49) as disclosed by Norsworthy.

Regarding Claim 8, Harper, Matthews and Norsworthy disclose the limitations of Claim 7. Harper and Matthews are silent on the storage medium/memory is a hard disk of the receiver. Norsworthy discloses that the memory is a hard disk of the receiver (Figure 3, 14).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 9, 2006  
FEH

  
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